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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

COPY MAILED

MAY 12 2006

In re Application of :
Andrew Sean Gordon Daly :
Application No. 10/688,988 :
Filed: October 21, 2003 :
Title of Invention: :
TENDON AND LIGAMENT SUPPORT :

OFFICE OF PETITIONS

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably, filed April 11, 2006.

The Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed June 6, 2005. The Office communication set a one (1) month period for reply. No response having been received, the application became abandoned on June 28, 2005. A Notice of Abandonment was mailed December 29, 2005.

Applicant files the instant petition wherein Applicant avers that he did not receive the Office communication.

Applicant is advised that an allegation that an Office action was not received may form the basis for revival of an application based upon unavoidable abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the Applicant stating that the Office communication was not received by the Applicant and attesting to the fact that a search of the file jacket and docket records indicate that the Office communication was not received.

2. A copy of the file jacket or docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in Applicant's statement.

Accordingly, Applicant's assertion, that the Office communication was not received, is insufficient to justify granting of the petition. Applicant must also provide a copy of the docket record (or file jacket) where the non-received Office action would have been entered had it been received and docketed.

As such, the petition is dismissed.

Applicant should file a Request for Reconsideration of Petition and include the necessary copies of documents.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods

Attorney
Office of Petitions